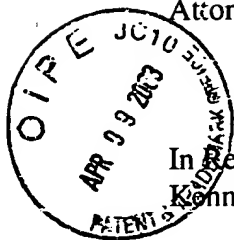


Attorney Docket No. 3001 P 009

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Continuation Patent Application Of:
Kenneth Kiron and Kevin S. Bander

Application No.: 09/579,801

Confirmation No.: 8044

CPA Filed: December 30, 2002

For: Open End Mutual Fund Securitization Process)

) Group Art Unit: 3624

Handwritten notes: #15, 4/12/03, (NE)

SECOND PRELIMINARY AMENDMENT

BOX NON-FEE AMENDMENT

Commissioner For Patents
Washington, D.C. 20231

RECEIVED

APR 10 2003

GROUP 3600

Dear Sir:

Applicants submit this Second Preliminary Amendment for entry before the present application has been taken up for examination.

Note, this Second Preliminary Amendment is being submitted in the form required under 37 C.F.R. 1.121. Accordingly, one (1) sheet containing the marked-up claim, corresponding to the substituted claim set forth below, is attached hereto.

AMENDMENT

In The Claims:

Please amend the claims as follows:

120. (Amended) A method comprising the steps of:

identifying a plurality of securities within a substantially similar industry;

separating the plurality of securities within the substantially similar industry into a group satisfying market capitalization criteria;

creating an exchange traded trust having a number of outstanding shares and comprising securities within the group;

changing the securities comprising the trust in response to changes in the securities in the group;